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Situation of human rights in the Islamic Republic of Iran*

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, submitted in accordance with Human Rights Council resolution 37/30.

* The present report was submitted after the deadline in order to reflect the most recent information.

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Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Summary

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, submits his first report to the General Assembly pursuant to Human Rights Council resolution 37/30, following his appointment in July 2018. The present report is based on consultations held with interlocutors in Geneva in August 2018 and sets out some consistently documented issues of concern as well as some steps envisaged towards the fulfilment of the mandate of the Special Rapporteur.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 37/30, in which the Council renewed the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. In the resolution, the Council requested that the Special Rapporteur submit a report on the implementation of the mandate to the General Assembly at its seventy-third session and to the Council at its fortieth session. The Council also called upon the Government of the Islamic Republic of Iran to cooperate fully with the mandate holder, to permit access to visit the country and to provide all information necessary to enable the fulfilment of the mandate.

2. On 6 July 2018, Javaid Rehman was appointed as the third Special Rapporteur on the situation of human rights in the Islamic Republic of Iran since the mandate had been re-established in 2011. He commenced his duties officially on 13 July 2018. The former mandate holder, Asma Jahangir, held the mandate from November 2016 until her sudden passing in February 2018. Prior to Ms. Jahangir, Ahmed Shaheed held the mandate from June 2011 to September 2016.

3. Upon his appointment, the Special Rapporteur wrote to the Government of the Islamic Republic of Iran to seek its cooperation with the mandate and to request a visit to the country. He subsequently issued a statement, on 6 August 2018,[1] in which he explained that he looked forward to constructive engagement with the authorities with a view to creating a space for an informed and open dialogue. The Special Rapporteur also added that he would seek to build on the previous engagement between his predecessor and the Iranian authorities regarding the full compliance of the State with its international human rights obligations.

4. The Special Rapporteur conducted his first official mission to Geneva from 21 to 25 August 2018. During his visit, he met with a number of interlocutors, including Esmaeil Baghaei Hamaneh, Permanent Representative of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva; members of civil society; human rights defenders; and representatives of a number of permanent missions based in Geneva. During his meeting with Mr. Hamaneh on 24 August, the Special Rapporteur welcomed the Ambassador's assurances of an enhanced focus on human rights and a willingness to engage in a spirit of cooperation with the Special Rapporteur. The Special Rapporteur further emphasized the importance of conducting a visit to the Islamic Republic of Iran at the invitation of the Government. In comments provided on the present report, the Government declared its willingness to meet with the Special Rapporteur to discuss mutually agreed areas of technical cooperation, with the aim of providing him with the required information.

5. Since his appointment, the Special Rapporteur has reflected on the various substantive issues and challenges relating to the mandate and on the proposed methodology for his work. In this initial stage of the mandate and in the present report, the Special Rapporteur will elucidate the methodology that he intends to pursue in fulfilling his mandate and will present some consistently documented issues of concern regarding the human rights situation in the Islamic Republic of Iran. Those issues of concern have been developed by reviewing the previous reports and observations of his predecessors, of the Secretary-General and of the international human rights mechanisms; assessing initial reports received from various sources following his appointment; and undertaking preliminary discussions with various interlocutors. Accordingly, the present report does not present an exhaustive picture

[1] Office of the United Nations High Commissioner for Human Rights (OHCHR), "New UN human rights expert on Iran seeks cooperation and dialogue with Government", 6 August 2018.

of the human rights situation in the country, but instead seeks to highlight some of the key issues of concern which have been raised repeatedly in the aforementioned context. Such issues include alleged violations of the following: the right to life, in particular the execution of juvenile offenders; the prohibition of torture and other ill-treatment; the right to freedom of opinion, expression and assembly; the rights of women and girls; and the rights of religious and ethnic minorities. The Special Rapporteur intends to seek further information on these issues of concern and to engage with the Government and other interlocutors to that end. On the basis of his preliminary assessment, the Special Rapporteur also intends to reflect in the course of his mandate on the relationship between violations of civil and political rights and violations of economic, social and cultural rights in the Islamic Republic of Iran. In addition, the Special Rapporteur currently intends to address, inter alia, the situation of human rights defenders, foreign and dual nationals, the alleged summary executions in 1988, as well as the rights of specific groups, in particular those based on disability, sexual orientation and gender identity.

II. Methodology of work

6. In the conduct of his mandate, the Special Rapporteur will be guided by the provisions of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, as enunciated in Human Rights Council resolution 5/2. In accordance with the Code of Conduct, the Special Rapporteur will act in an independent capacity and perform his mandate through a professional and impartial assessment of facts based on internationally recognized human rights standards and free from extraneous interference or pressure. The Special Rapporteur is committed to exercising his mandate in a manner free from politicization and will be guided solely by the aim of assisting the State in complying with its international human rights obligations in an incremental and constructive yet robust manner.

7. The Special Rapporteur will seek the cooperation of the authorities in the Islamic Republic of Iran and seek to establish and report on the facts, based on objective and reliable information on the compliance of the State with its human rights obligations. With this in mind, the Special Rapporteur has reached out to the Iranian authorities, held an initial formal meeting and expressed his strong interest in visiting the Islamic Republic of Iran. The Special Rapporteur will also seek information from the Iranian authorities on human rights issues, in particular those highlighted in resolutions of the General Assembly and the Human Rights Council and those which are a matter of documented concern for the United Nations human rights treaty bodies. During his proposed visit, the Special Rapporteur would aim for meaningful access to people and places of interest with a view to establishing the facts about the human rights situation in the country.

8. Since his appointment, the Special Rapporteur has had several meetings with members of civil society, including with the Iranian diaspora community in the United Kingdom of Great Britain and Northern Ireland and during his first formal mission to Geneva in August 2018. He has received information from a significant number of organizations and individuals with respect to the human rights situation in the country. The Special Rapporteur has also received a substantial body of documentation of alleged violations of human rights taking place in the Islamic Republic of Iran. Individual testimonies and witness statements, including those to be collected during country visits, will constitute a substantial part of the information to be gathered pursuant to the Special Rapporteur's mandate. The Special Rapporteur will request the cooperation of the Iranian authorities when following up on allegations as part of his efforts to examine individual cases. In forming an objective and impartial view, the Special Rapporteur will consider information obtained from all credible sources,

including government statements, comments and information on existing laws, new legislation, policies and State practices. He will also assess the responses of the Government to communications transmitted to the Islamic Republic of Iran by special procedures of the Human Rights Council, along with comments and information produced by the Government in response to his reports. In preparing the present report, the Special Rapporteur has also considered the comments of the Government of the Islamic Republic of Iran on the most recent report of his predecessor (A/HRC/37/68/Add.1). In line with his mandate, the Special Rapporteur will monitor national and international media reports as they relate to the situation of human rights in the country and will assess information prepared and submitted by national and international civil society organizations.

9. The Special Rapporteur takes the view that the outcome of the universal periodic review of the Islamic Republic of Iran, which was conducted in October 2014, provides a sound platform for collaboration with the Iranian authorities. In this regard, he believes that he could contribute to the efforts of the Islamic Republic of Iran to implement the recommendations resulting from the review which have been accepted or partially accepted for implementation, and aims to contribute to following up on, monitoring and reporting on the implementation of those recommendations. With this in mind, the Special Rapporteur intends to engage fully and constructively with the Government with a view to reviewing its position as regards those recommendations that have not been accepted. In comments provided on the present report, the Government highlighted its participation in the universal periodic review, its acceptance of nearly 65 per cent of the recommendations and the preparation of a voluntary mid-cycle report.[2]

10. In addition to the commitments made during the universal periodic review, the Islamic Republic of Iran has committed to a number of human rights obligations, as evidenced in its ratification of international human rights treaties. The Special Rapporteur will seek to follow up on the country's compliance with its international human rights obligations. The Islamic Republic of Iran ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on 24 June 1975. The Islamic Republic of Iran also became a party to the Convention on the Elimination of All Forms of Racial Discrimination on 29 August 1968. The Islamic Republic of Iran ratified the Convention on the Rights of the Child on 13 July 1994 and accepted the obligations under the Optional Protocol thereto on the sale of children, child prostitution and child pornography on 26 September 2007. On 23 October 2009, the Islamic Republic of Iran acceded to the Convention on the Rights of Persons with Disabilities.

11. The Islamic Republic of Iran has yet to submit its periodic report to the Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights, which was due in November 2014, and its report to the Committee on Economic, Social and Cultural Rights on the implementation of the International Covenant on Economic, Social and Cultural Rights, which was due in May 2018. The combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/3-4) were considered by the Committee on the Rights of the Child on 11 and 12 January 2016. The Committee adopted its concluding observations on 29 January 2016 (CRC/C/IRN/CO/3-4). The Committee on the Rights of Persons with Disabilities considered the initial report submitted by the Government (CRPD/C/IRN/1) on 22 and 23 March 2017 and adopted its concluding observations on 5 April 2017 (CRPD/C/IRN/CO/1). The Special Rapporteur notes the comment provided by the Government on the present report that it plans to submit reports to

[2] Islamic Republic of Iran, High Council for Human Rights, *UPR Midterm Report (2015–2016)*. Available at https://lib.ohchr.org/HRBodies/UPR/Documents/Session20/IR/Iran2ndCycle.pdf.

the treaty bodies in the course of its working programme. The Special Rapporteur further intends to engage constructively with the Government in following up on the concluding observations of the treaty bodies.

12. The Islamic Republic of Iran has not ratified a number of international human rights treaties. These include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and all of the individual complaint procedures and inquiry procedures, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Special Rapporteur will encourage the Islamic Republic of Iran to ratify the aforementioned treaties, which he believes will enhance the efficacy of human rights implementation in the country.

13. The Special Rapporteur will work in collaboration with thematic special procedures of the Human Rights Council on urgent appeals and other communications and prepare his own appeals and communications as necessary in fulfilment of his mandate. In this context, the Special Rapporteur encourages the Government to provide substantive replies to the communications transmitted and looks forward to constructively engaging with the Government on matters raised in the process.

14. The Special Rapporteur takes a positive view of the strong advocacy role of civil society and human rights defenders in the Islamic Republic of Iran. In fulfilment of his mandate, he will engage with civil society representatives in accordance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. The Special Rapporteur will seek to facilitate a space for non-politicized discussions, advocacy and the study of the human rights situation in the country through engagement with civil society and academic expertise. The Special Rapporteur intends to engage with the media with measured and objective analysis on progress achieved and challenges concerning the human rights situation in the country. The Special Rapporteur takes the view that constructive engagement with the Government of the Islamic Republic of Iran and media advocacy will provide parallel yet appropriate avenues for highlighting progress, reporting on human rights violations and advocating for the need for redress of such violations.

III. Human rights situation: consistently documented issues of concern

A. Right to life and the death penalty

1. Overview

15. The violation of the right to life and concerns related to a lack of adherence to due process have been consistent themes in previous reports of the Secretary-General and the predecessors of the Special Rapporteur (see, e.g., A/HRC/37/24, paras. 6–17, and A/HRC/37/68, paras. 13–20). The Government received 41 recommendations related to its use of capital punishment during the second cycle of the universal periodic review, in 2014 (see A/HRC/28/12 and A/HRC/28/12/Corr.1, para. 138). Recommendations to the Government included abolishing the death penalty for juvenile offenders; establishing a moratorium on the death penalty for crimes not considered "most serious" by international standards; establishing a moratorium on the use of capital punishment; and banning public executions. None of the recommendations were accepted. The Special Rapporteur welcomes the progress made in specific aspects of drug trafficking laws which were highlighted by his predecessor (see A/HRC/37/68, paras. 15–17), while also noting concerns expressed

by his predecessor about ensuring due process and a fair trial for those accused of capital offences (ibid., paras. 58–61). In comments provided on the present report, the Government stated that capital offences are adjudicated in the presence of the prosecutor's representative, the accused and his/her lawyer, and that the final verdict is issued after convening hearings in the course of a fair trial and upon completion of the required proceedings. It further stated that meetings without a lawyer had no legal effect and that decisions made and rulings issued in such cases could be disaffirmed by the Supreme Court.

2. Execution of juvenile offenders

16. The Special Rapporteur reiterates the grave concerns previously expressed by the Secretary-General, the United Nations High Commissioner for Human Rights and the previous Special Rapporteur with respect to the continuing execution of juvenile offenders in the Islamic Republic of Iran, noting that at least four juvenile offenders were executed in the first half of 2018, with several others facing imminent execution. Amir Hussein Pourjafar, who was convicted of committing murder and rape when he was 16 years old, was executed in January.[3] Other juvenile offenders executed in the same month include Ali Kazemi, convicted of committing murder at age 15, and Mahboubeh Mofidi, convicted of committing murder at age 16.[4] Abolfazl Chezani Sharahi, convicted of murder at age 15, was executed in June.[5] In comments provided on the present report, the Government stated that the aforementioned individuals were executed in accordance with the punishment of *qisas* (retaliation in kind) for the crime of murder at the request of the next of kin of the victim. The Government further stated that it expends extensive effort to satisfy the requirements of the next of kin and convert *qisas* to *diyeh* (a cash fine). In this regard, while acknowledging such efforts, the Special Rapporteur believes that the Government should not delegate its responsibility to protect the right to life to the victim's next of kin. The Special Rapporteur further reiterates the concerns expressed by the United Nations High Commissioner for Human Rights in February 2018 with respect to the retention of the death penalty under the amended Islamic Penal Code for boys who are at least 15 lunar years of age and girls who are at least 9 years of age for *qisas* or *hudud* crimes such as homicide, adultery, rape, theft, armed robbery or sodomy, in contravention of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.[6]

17. In the course of his mandate, the Special Rapporteur intends to closely follow the situation of juvenile offenders on death row and the legislation concerning the application of the death penalty to such individuals. In this context, the Special Rapporteur also intends to seek information on the application of the 2013 amendment to the Islamic Penal Code (article 91) that allows judges to pronounce alternative sentences in circumstances where there is doubt as to the mental development of the juvenile at the time of the offence or if the juvenile does not realize the nature of the crime committed, in the light of concerns expressed by the Committee on the Rights of the Child about its effective application (see CRC/C/IRN/CO/3-4, para. 35). The Special Rapporteur calls upon the Government to build on that amendment and introduce a further amendment that, affirming the lack of mental development of a juvenile, absolutely prohibits the execution of persons who were under the age of 18 years when they committed an offence. In comments provided on the present report, the Government stated that it had established a new task force on the

[3] OHCHR, "Zeid urges Iran to stop violating international law by executing juvenile offenders", 16 February 2018.

[4] Ibid.

[5] OHCHR, "Zeid appalled by execution of juvenile offenders in Iran", 28 June 2018.

[6] OHCHR, "Zeid urges Iran to stop violating international law by executing juvenile offenders".

prevention of deprivation of life, made up of a subcommittee of the Executive Committee on the Protection of the Rights of Children and Adolescents in the General Justice Department of the Province of Tehran, which has now been extended to all provinces of the country. The Special Rapporteur stands ready to build on the declared intent of the Government to address the situation of juvenile offenders on death row and is ready to engage further with the Government and the task force on this issue.

3. Amendment to the drug trafficking law

18. The Special Rapporteur welcomes the amendment to the drug trafficking law that entered into force on 14 November 2017. According to the amended law, punishments for certain drug offences that previously carried the death penalty or life imprisonment are now subject to a maximum prison term of 30 years. In addition, the quantity of drugs required to impose a death sentence was increased. The Special Rapporteur further notes encouraging reports of a significant reduction in the number of executions relating to drug offences, with only two such cases of the death penalty reported thus far in 2018,[7] compared with 213 in 2017 (see A/HRC/37/24, para. 6).

19. The Special Rapporteur notes, however, that the amended drug trafficking law retains mandatory death sentences for a wide range of drug-related offences. The Special Rapporteur further notes that the death penalty is applied in such circumstances in the context of concerns raised by his predecessor and by the Secretary-General on the lack of adherence to due process and the right to a fair trial (see A/HRC/37/68, paras. 58–61, and A/HRC/37/24, paras. 7–8). In the light of the irreversible nature of capital punishment and those concerns, the Special Rapporteur calls upon the Government to ensure full compliance with the safeguards guaranteeing protection of the rights of those facing the death penalty.[8]

20. More broadly, the Special Rapporteur acknowledges the seriousness of drug trafficking and dependence and their consequences. However, he calls upon the Government to review its policy of retaining the death penalty for certain drug offences. In this regard, he points to the aforementioned amendment to the drug trafficking law, which appears to represent a recognition on the part of lawmakers and policymakers in the country of the ineffectiveness of the death penalty as an appropriate deterrent. The Special Rapporteur further welcomes the recent government initiative for treatment and enhanced programmes for the prevention of drug addiction as more effective mechanisms for addressing drug dependence (see A/HRC/37/68/Add.1, p. 6).

B. Torture and other cruel, inhuman or degrading treatment or punishment

21. The Special Rapporteur is concerned by reports received by his predecessor on the commission of torture or other cruel, inhuman or degrading treatment or punishment, including floggings and amputations (see A/HRC/37/68, paras. 23–29). The Special Rapporteur contends that such conduct is in violation of articles 7 and 10 of the International Covenant on Civil and Political Rights (see CCPR/C/79/Add.85, para. 9) and disagrees with the contention of the Government that "the physical punishments which are anticipated in the laws of the Islamic Republic of Iran are legislated and legalized, and therefore they are not in contradiction with the State's obligation under paragraph 7" of the Covenant (see A/HRC/37/68/Add.1, p. 13). The Special Rapporteur reminds the Government that violating *jus cogens* norms such as the prohibition of torture or other cruel, inhuman or degrading treatment or

[7] Iran Human Rights, "Iran: execution of a prisoner on drug-related charges", 13 August 2018.

[8] Economic and Social Council resolution 1996/15 (1996).

punishment cannot be justified on the basis of inconsistent domestic laws. The Special Rapporteur further recalls that, under article 39 of the Constitution, "all forms of violation against the honor and dignity of any person who is legally arrested, detained, imprisoned, or sent into exile" are prohibited,[9] while noting that the Government did not accept any of the 20 recommendations regarding torture and other ill-treatment considered during the universal periodic review in 2014 (see A/HRC/28/12/Add.1). In comments provided on the present report, the Government stated that, according to articles 570, 578, 579 and 587 of the Penal Code, perpetrators of torture or other ill-treatment are subject to severe penalties, and that any confession or information obtained from the accused by torture and ill-treatment is not considered credible. In the course of his mandate, the Special Rapporteur intends to engage with the relevant government bodies to seek further information to assess the incidence of such practices in the country.

C. Impact of economic sanctions

22. The Special Rapporteur intends to monitor and report on the potential negative impact of sanctions on the enjoyment of rights, in particular in the light of the decision by the United States of America on 8 May 2018 to withdraw from the Joint Comprehensive Plan of Action. As noted in previous reports of the Secretary-General and of the Special Rapporteur's predecessors (see A/HRC/37/68, para. 6, A/69/306, paras. 45–51, and A/HRC/22/56, paras. 72–75), the impact of sanctions, which at present target mainly banking transactions, could increasingly affect ordinary Iranians and their enjoyment of a range of human rights, notably economic and social rights. By preventing financial transfers to the country, the reimposition of sanctions is likely to further hinder the availability and distribution of essential medical and pharmaceutical equipment and supplies, potentially increasing mortality rates. The Special Rapporteur seeks the cooperation of the Government in assessing the impact of sanctions on the economic and social rights of those residing in the country.

D. Freedom of peaceful assembly

23. As has been previously documented, widespread protests were held in the Islamic Republic of Iran earlier in the year. The protests, which took place during a period of 12 days from 28 December 2017 to 9 January 2018, were on a scale unparalleled since the presidential election of 2009 and spread across the country. Reports indicate that the reasons for the protests included widespread discontent related to unemployment, inflation and rising living costs (see A/HRC/37/24, para. 32) and followed the publication of the government budget for the Persian year 1397 (March 2017–March 2018). The Special Rapporteur is aware of numerous reports indicating a violent crackdown on protesters by security forces, which led to the death of at least 22 people (see A/HRC/37/24, para. 33). In comments provided on the present report, the Government stated that the right to peaceful demonstrations is recognized by the Constitution and that security forces responded with restraint. The Special Rapporteur reiterates the concerns expressed by the United Nations High Commissioner for Human Rights and special procedures mandate holders at the time[10] and, in the course of his mandate, intends to further monitor and report on violations

[9] Hirbod Papan-Matin (trans.), "The Constitution of the Islamic Republic of Iran (1989 Edition)", *Iranian Studies*, vol. 47, No. 1, pp. 159–200 (2014). Available at www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf.

[10] OHCHR, "UN human rights chief urges Iranian authorities to defuse tensions, investigate protest deaths", 3 January 2018; and "Iran: UN experts urge respect for protesters' rights", 5 January 2018.

during and subsequent to the protests. In particular, the Special Rapporteur is concerned by allegations of unlawful arrests and detention, of protesters indicted on vague charges such as "corruption on earth", or *moharebeh*, of lack of access to legal representation and of deaths in detention. In comments provided on the present report, the Government stated that a handful of individuals had been arrested by police forces; 80 per cent of them had been released on the same day and 15 per cent had been released some days later.

E. Freedom of opinion and expression and access to information

24. The protests in early 2018 also highlighted challenges faced by those residing in the Islamic Republic of Iran in enjoying freedom of opinion and expression and access to information. In this context, special procedures mandate holders issued a statement in January expressing concern following the decision to temporarily block several social media platforms, including Instagram and the messaging application Telegram.[11] More broadly, a number of major social networking websites, including Facebook, Twitter and YouTube, are currently banned in the Islamic Republic of Iran. On 30 April 2018, a judicial order was issued stating that Telegram would also be permanently banned on the grounds that it was being used to spread "propaganda" and "pornography" and to incite "terrorist activities".[12] The Special Rapporteur is of the view that communication applications such as Telegram and Instagram should be seen as tools that enhance the freedom of opinion and expression and access to information as enshrined in article 19 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party. In the course of his mandate, the Special Rapporteur intends to seek further information on such issues, including with a view to reviewing the Computer Crimes Law, the Penal Code and the role of the Supreme Cyberspace Council.

F. Situation of women and girls

25. The Special Rapporteur notes that the Government accepted 27 out of 60 recommendations with respect to the rights of women during the universal periodic review in 2014 (see A/HRC/28/12/Add.1). In this regard, the Special Rapporteur welcomes the opportunity to engage in a dialogue with the Government on the implementation of the accepted recommendations, notably those addressing gender-based discrimination, child marriage, access to health and education, political and economic participation and protection against domestic violence.

26. The Special Rapporteur is encouraged by reports of progress in the promotion and protection of women's rights since President Rouhani was re-elected, in particular the introduction of the comprehensive bill on ensuring the protection of women against violence[13] and the establishment of the post of Deputy President for Women and Family Affairs. At the same time, the Special Rapporteur recalls that previous reports, including those of his predecessors and the Secretary-General, have consistently raised concerns relating to discrimination against women in law and practice in the Islamic Republic of Iran (see, e.g., A/HRC/37/24, paras. 25–31, and A/HRC/37/68, paras. 62–68). In the course of his mandate, the Special Rapporteur intends to build on that body of work by analysing relevant legislative provisions, including in relation to personal status and the alleged lack of equal rights in marriage,

[11] OHCHR, "Iran: UN experts urge respect for protesters' rights".

[12] Reporters without Borders for Freedom of Information, "Iranian court imposes total ban on Telegram", 4 May 2018.

[13] Islamic Republic of Iran, High Council for Human Rights, *UPR Midterm Report (2015–2016)*.

divorce, child custody and inheritance. The Special Rapporteur also intends to examine reports of discriminatory rules concerning the dress code imposed on women and girls (see A/HRC/37/68, para. 67) and to monitor and report on alleged violations of the right to freedom of opinion and expression of women who have publicly challenged compulsory veiling.

G. Situation of religious and ethnic minorities

27. The Special Rapporteur is concerned by the substantial violations of the rights of religious and ethnic minorities described in the previous reports of his predecessor and the Secretary-General (see A/HRC/37/68, paras. 69–74, and A/HRC/37/24, paras. 48–50), in particular the serious and consistently documented violations of rights of members of the Baha'i community in the Islamic Republic of Iran (see A/HRC/37/68, para. 71). In this regard, allegations of discriminatory policies and practices have been received with respect to the denial of the right to work and to earn a decent living, restriction of access to higher education, the closure of shops and discrimination in policy owing to the fact that Baha'is do not constitute one of the three constitutionally recognized religious minorities in the country. In comments provided on the present report, the Government denied such allegations, stating that "principle 23 of the Constitution stipulates that it is forbidden to enquire about beliefs, and no one can be prosecuted merely because of holding a certain belief". Previous reports have included descriptions of further allegations of discrimination against other communities, including members of the Christian, Baluch, Kurdish, Azerbaijani Turkish and Yarsan communities, as well as members of the Gonabadi Sufi order (see, e.g., A/HRC/37/68, paras. 69–74, A/HRC/34/65, paras. 73–80, A/HRC/37/24, paras. 48–50, and A/72/562, paras. 62–69).

28. Further to communications previously transmitted to the Government by relevant special procedures mandate holders, the Special Rapporteur, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, issued a statement on 7 September calling for the Government to halt the imminent executions of three Kurdish prisoners, Zanyar and Loghman Moradi and Ramin Hossein Panahi, amid serious concerns that they had not received fair trials and had been tortured in detention.[14] The Special Rapporteur deeply deplores reports that they were all executed on 8 September despite such concerns. In comments provided on the present report, the Government stated that the aforementioned individuals had received fair trials and that the punishments had been handed down in relation to terrorist offences. As highlighted in the methodology section of the present report, in the course of his mandate the Special Rapporteur intends to seek further information and monitor and report on the rights of religious and ethnic minorities in the country.

29. More broadly, the Special Rapporteur notes that reports of his predecessor have described how some ethnic minority groups in the Islamic Republic of Iran constitute a disproportionately large percentage of persons executed or imprisoned (see A/HRC/37/68, para. 13). In its comments on the most recent report of the previous Special Rapporteur, the Government dismissed such statistics as "completely misleading, distorted and inaccurate" (see A/HRC/37/68/Add.1, p. 5; see also pp. 28 and 29). With a view to engaging in a dialogue with the Government on this issue, the Special Rapporteur proposes that the Government conduct an impartial and objective investigation confirming the number of persons from minority communities who have been executed. Without prejudice to the outcome of such an investigation, if the numbers of executions from minority communities are disproportionate, then

[14] OHCHR, "UN rights experts call on Iran to halt imminent executions of Iranian Kurds", 7 September 2018.

the Special Rapporteur recommends that the Government conduct further investigations and inquiries as to the reasons for such disproportionate numbers and take appropriate remedial action. In comments provided on the present report, the Government stated that according to article 19 of the Constitution, the people of the Islamic Republic of Iran, of any tribe or affiliation, enjoy equal rights, including during all stages of criminal proceedings.

IV. Conclusions and recommendations

30. **The Special Rapporteur emphasizes his intention to develop a constructive dialogue and cooperation with the Government of the Islamic Republic of Iran in order to facilitate the implementation of his mandate. In this regard, the Special Rapporteur welcomes the spirit of engagement conveyed during his first meeting with representatives of the Government. He further emphasizes that a country visit conducted on the basis of unhindered access would be highly important and would enable him to strengthen engagement with the Iranian authorities on human rights. Such a visit would further enable the Special Rapporteur to carry out a detailed assessment of the human rights situation in the country, including through interviews with individuals residing in the country, and would provide significant information for the preparation of a future report.**

31. **In the present report, the Special Rapporteur has highlighted a number of consistently documented issues of concern on the basis of a review of reports of his predecessors, the Secretary-General and the international human rights mechanisms, coupled with a review of reports received from numerous sources and initial discussions with various interlocutors. Those issues include violations of the right to life, in particular the execution of juvenile offenders; of the prohibition of torture and other ill-treatment; of the right to freedom of assembly, opinion and expression; and of the rights of women and girls, as well as those of religious and ethnic minorities, and represent areas in which the Special Rapporteur intends to seek further detailed information.**

32. **On the basis of his initial analysis, the Special Rapporteur has identified a number of further areas that he currently intends to address, including but not limited to violations of economic, social and cultural rights, the situation of human rights defenders, the situation of foreign and dual nationals, the alleged summary executions in 1988, as well as the rights of specific groups, in particular those based on disability, sexual orientation and gender identity.**

33. **The Special Rapporteur reiterates the previous calls made by his predecessor and the Secretary-General that all those arrested for the peaceful exercise of the rights to freedom of assembly and of opinion and expression be released, including those arrested during the protests in December 2017 and January 2018. The Special Rapporteur further calls upon the Government to undertake an independent and transparent investigation into the reported deaths in custody and other incidents leading to alleged violations of rights that took place during and after the protests.**

34. **The Special Rapporteur calls upon the Government to uphold the fundamental human rights of freedom of opinion and expression and to repeal all laws and policies which criminalize or restrict online expression, with online content to be restricted only by independent and impartial judicial decisions.**

35. **The Special Rapporteur expresses his grave concern at the continuing execution of juvenile offenders in the Islamic Republic of Iran and calls upon the**

Government to immediately prohibit all executions of persons charged with offences that they committed when under the age of 18 years. He further recommends that the Government abolish the death penalty in all cases and, pending that measure, introduce a moratorium.

36. **The Special Rapporteur calls upon the Government to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and urges the Government to enact laws prohibiting the punishments of flogging and amputations, as they represent cruel, inhuman or degrading punishments and violate articles 7 and 10 of the International Covenant on Civil and Political Rights.**

37. **The Special Rapporteur calls upon the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women and to prohibit all forms of discrimination against women, both in law and in practice.**

38. **The Special Rapporteur calls upon the Government to fully respect the rights of religious and ethnic minorities in the Islamic Republic of Iran and to ensure that all those who reside in the country have equal protection before the law, regardless of ethnicity, religion or belief.**